IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1643 OF 2004

Union of India & Ors .. Petitioners

Vs

Mr Arvind Ramchandra Kulkarni and ors. Respondents

Mr S.R.Rajguru i/b Mr S.S.Sarkar, for the petitioners.

Mr C.J.Sawant with Mr V.G.Ghosalkar for respondent nos 1,2 and 3.

CORAM : D.B.BHOSALE,J.

DATE : 25th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the concurrent findings recorded by the Courts below in Exhibit-5 application by which the respondents-plaintiffs had sought injunction restraining the petitioners from obstructing their possession over the disputed property. There does not seem to be any dispute that the respondents-plaintiffs were and are in possession of the disputed property since very long. Keeping that in view and considering the nature of the dispute, in my opinion, instead of examining the merits of the case in this petition, an appropriate course would be to direct the trial Court to dispose of the suit within timeframe.

Hence, I pass the following order.

(i) The learned Civil Judge, Thane, will endeavour to dispose of Regular Civil Suit No.2 of 2003 as expeditiously as possible and preferably within a period of six months from today.

(ii) The petitioners to communicate this order to the learned trial Judge within four weeks from today.

(iii) The respondents-plaintiffs shall not create third party rights in the disputed property till disposal of the suit. Parties are directed to co-operate disposal of the suit within the timeframe.

3. The writ petition stands disposed of.

(D.B.BHOSALE, J.)